Cr.MP(M) No. 411 of 2006.

18.7.2006 Present: Mr Rameshwar Sharma, Advocate, for the petitioner.

Mr. J.S.Guleria, Law Officer, for the State-Respondent.

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This petition for grant of anticipatory bail has been filed by the petitioner Gurpreet Singh in respect of FIR No.101 of 2006 lodged on 28.5.2006 at Police Station Sadar, Chamba under Sections 302& 201 IPC against the petitioner.

The prosecution case in brief is that on 14.5.2006 the petitioner along with his wife Rimpal Kaur and brother-in-law (brother of wife) Samraj Singh had come to Dalhousie for a short vacation. They stayed at Chaman Palace Hotel, Dalhousie. On 17.5.2006, the present petitioner lodged a report with the police that on the previous evening of 16.5.2006, he along with wife and brother-in-law were roaming at GPO Chowk. Thereafter the petitioner went to park his vehicle but his wife remained at GPO Chowk. When the petitioner returned after parking his vehicle, he found that his wife was missing. He searched for his wife and enquired from his relations whether they had received any news about his wife but she was not found and therefore he lodged the report next day.

The petitioner as well the brother of Rimpal Kaur left Dalhousie for Jalandhar on 17.5.2006 itself. On 28.5.2006 a dead body of a lady was found near Khajiar. This body was quite decomposed and therefore, the cause of death could not be ascertained. However, the body was identified to be that of Rimpal Kaur. After the body was recovered, the father of the deceased Rimpal Kaur complained to the police that in fact the petitioner has been demanding dowry and this suspected that the petitioner may have murdered the deceased. FIR was lodged and investigation done in the case.

The petitioner filed the present application under 438 Cr.P.C. before this Court and notice was issued. On 29.6.2006, this Court had passed an order adjourning the petition for today. It was directed that the petitioner shall not be arrested subject to the condition that he shall join investigation.

I have been informed by Mr. J.S.Guleria, learned Law Officer of the State- respondent on instructions received from the investigating officer that the petitioner has joined the investigation but the petitioner is not cooperating fully with the investigation. Therefore, I have heard the matter on merits.

Mr. Rameshwar Sharma learned counsel for the petitioner contends that the case registered against the petitioner is totally false. He further contends that the brother of the deceased was all along with the petitioner from 14.5.2006 to

17.5.2006 and at that time he had neither lodged any complaint nor expressed any apprehension that the petitioner was involved in some un-natural incident. He further submits that till 28.5.2006 when the body was recovered, no family members made any complaint.

On the other hand Mr. J.S.Guleria, learned Law Officer submits that the offence is of a heinous nature and he submits that the petitioner is an over-clever person. According to him, the petitioner was asked to give details about his mobile phone during the course of investigation. The petitioner did not give any details and stated that he has changed his mobile phone including SIM card. It is, therefore, submitted that the petitioner has not cooperated in the investigation. Mr. Guleria has also relied upon the statements of Waiter and Manger of the Hotel and brother of the deceased recorded by the police to show that the petitioner has never made any efforts to search his wife and remained intoxicated on 16.5.2006.

I have gone through the police record. At this stage it would not be appropriate to express any opinion on the merits of the case or on the role of the brother who did not lodge any complaint from 16.5.2005 to 28.5.2006. However, the statement of the waiter of the hotel in which the petitioner along with his wife stayed is relevant. According to the waiter, on 16.5.2006, the petitioner, his wife and wife's brother went out

of the hotel. At 5 p.m. only Gurpreet Singh and Samraj Singh returned. Thereafter Gurpreet Singh again went out and went to his room at about 9.30 p.m. According to him, the petitioner was in a highly intoxicated state. Thereafter Samraj Singh brother of the deceased and some members of the hotel staff went out to search for the wife of Gurpreet Singh but the petitioner remained in his room.

Keeping in view the nature of the offence and the fact that as per the police, the petitioner is hiding some facts especially the details with regard to his mobile phone, in my opinion, the custodial investigation of the petitioner is necessary and therefore the petitioner is not entitled for the grant of anticipatory bail. The petition is accordingly rejected.

July 18, 2006. (Deepak Gupta),J.
s.